

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATIONAL EVENT SERVICES, INC.,

Civil Action No.: 2:21-CV-04423

Plaintiff,

vs.

NATIONAL FIRE & MARINE  
INSURANCE COMPANY;  
MEDPRO GROUP;  
BARRI ORLOW;  
PETER BEHNKE;  
EDGEWOOD HEALTH CARE ADVISORS;  
INTEGRO GROUP;  
EPIC INSURANCE BROKERS &  
ADVISORS;  
CRC GROUP;  
MAURIZIO BIANCHI, ADMINISTRATOR  
OF THE ESTATE OF MARCO BIANCHI, IN  
HIS OWN RIGHT, AND ON BEHALF OF  
DECEDENT'S NEXT OF KIN;  
ALEX BIANCHI;  
THE PHILADELPHIA EAGLES;  
LINCOLN FINANCIAL FIELD;  
NATIONAL FOOTBALL LEAGUE,

Defendants.

**JOINT STIPULATION AND ORDER TO DISMISS WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties<sup>1</sup> that the present action (including all claims and counterclaims pled in the present action) is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and the terms of the attached Tolling Agreement.

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<sup>1</sup>This Stipulation is filed on behalf of all parties with the exception of Defendants, Maurizio Bianchi, Administrator of the Estate of Marco Bianchi, in His Own Right, and on Behalf of Decedent's Next of Kin, and Alex Bianchi. Those parties have not provided their position on this Stipulation as of the time of its filing. However, as nominal parties, there consent is not required to have this matter dismissed without prejudice.

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*Attorneys for Defendant Eagles Stadium Operator, LLC (incorrectly identified as The Philadelphia Eagles and Lincoln Financial Field)*

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2023

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Gerald A. McHugh  
United States District Judge

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Plaintiff, :

vs. :

NATIONAL FIRE & MARINE :  
INSURANCE COMPANY; :  
MEDPRO GROUP; :  
BARRI ORLOW; :  
PETER BEHNKE; :  
EDGEWOOD HEALTH CARE ADVISORS; :  
INTEGRO GROUP; :  
EPIC INSURANCE BROKERS & :  
ADVISORS; :  
CRC GROUP; :  
MAURIZIO BIANCHI, ADMINISTRATOR :  
OF THE ESTATE OF MARCO BIANCHI, IN :  
HIS OWN RIGHT, AND ON BEHALF OF :  
DECEDENT'S NEXT OF KIN; :  
ALEX BIANCHI; :  
THE PHILADELPHIA EAGLES; :  
LINCOLN FINANCIAL FIELD; :  
NATIONAL FOOTBALL LEAGUE, :

Defendants.

**TOLLING AGREEMENT**

WHEREAS, On September 22, 2019, Marco Bianchi suffered a heart attack and died while attending a Philadelphia Eagles game at Lincoln Financial Field;

WHEREAS, the plaintiff, National Event Service, Inc. ("National Event") had contracted with Eagles Stadium Operator, LLC ("ESO") to provide emergency medical services at Lincoln Financial Field ("ESO/NES Agreement");

WHEREAS, The Estate of Marco Bianchi instituted suit in the Court of Common Pleas of Philadelphia County against, *inter alia*, National Event and ESO (improperly named as "The

Philadelphia Eagles and Lincoln Financial Field”), seeking Wrongful Death and Survival Act damages (Maurizio Bianchi, Administrator of the Estate of Marco Bianchi, Deceased, in his own right and on behalf of said decedent’s next of kin and Alex Bianchi v. The Philadelphia Eagles, Lincoln Financial Field, National Event Services, Inc. and National Football League, August Term, 2020, No. 01739) (“Bianchi Lawsuit”);

WHEREAS, trial in Bianchi Lawsuit is scheduled for June 17, 2024;

WHEREAS, the Bianchi Lawsuit has given rise to coverage disputes under policies of insurance issued to National Event by National Fire & Marine (“National Fire”);

WHEREAS, as a result of the Bianchi Lawsuit, on September 7, 2021, National Event, instituted suit in the Court of Common Pleas of Philadelphia County, which was removed to the United States District Court for the Eastern District of Pennsylvania (National Event Services Inc. v. National Fire & Marine Insurance Company, et al., U.S.D.C. Eastern District of PA, 2:21-CV-04423) (“this Lawsuit” or “the Present Action”);

WHEREAS, the Present Action seeks declaratory relief under a Health Care Liability Policy (“Primary Policy”) and an Excess Health Care Liability Policy (“Excess Policy”) issued by National Fire to National Event through the involvement of the insurance agents and brokers, Peter Behnke, CRC Insurance Services, LLC improperly named as CRC Group (“CRC”), Edgewood Health care Advisors (“Edgewood”), Integro Group (“Integro”) and Epic Insurance Brokers & Advisors (“Epic”);

WHEREAS, National Event sets forth the following claims in the Present Action: (1) declaratory relief against defendants, National Fire and MedPro Group (“MedPro”) (Count I); (2) negligence against defendants, Peter Behnke, Edgewood, Integro, Epic and CRC (Count II); and (3) common law and statutory bad faith against defendants, National Fire and MedPro (Count III);

WHEREAS, in the Present Action, National Event additionally seeks compensatory damages from Peter Behnke, Edgewood, Integro, Epic and CRC, in the event that there is found to be no coverage under the Primary Policy and/or the Excess Policy for all monies: (a) which may be found to be due and owing by National Event in the pending Bianchi Lawsuit, which otherwise would have been covered by insurance but were not insured by reason of the alleged negligent and careless acts of the agents and brokers in failing to place coverage to properly and adequately protect National Event; and (b) any and all consequential damages for any and all other losses caused by the act or failure to act of the agents and brokers;

WHEREAS, the Present Action also seeks extra-contractual bad faith damages from National Fire and MedPro in connection with the handling of the claims asserted in the Bianchi Lawsuit;

WHEREAS, the defendant ESO filed a counterclaim against NES in the Present Action seeking a declaration that NES is liable to indemnify ESO for liability in the Bianchi Lawsuit up to the same amount as the limits of excess insurance that was required to be procured by NES for ESO as an additional insured pursuant to the ESO/NES Agreement;

WHEREAS, in the light of trial in the Bianchi Lawsuit being scheduled for June 17, 2024, the parties to the Present Action have agreed to the dismissal, without prejudice, of the present action pursuant to the Joint Stipulation and Order to Dismiss Without Prejudice;

WHEREAS, the parties have agreed that certain claims may be filed or re-filed, as outlined in this Tolling Agreement.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. This lawsuit shall be marked dismissed, without prejudice pursuant to the Joint Stipulation and Order to Dismiss Without Prejudice.

2. The statute of limitations with respect to all claims, causes of action, affirmative defenses and counterclaims asserted in this Lawsuit as of the date of this Agreement (i.e., November 3, 2023), shall be considered tolled:

- a. as of the date of the filing of this Lawsuit (i.e., September 7, 2021); and
- b. until a date sixty (60) days following the final and complete adjudication of the Bianchi Lawsuit, including exhaustion of all appeals and rights to appeal in the Bianchi Lawsuit.

3. The statutes of limitations with respect to all claims, causes of action, affirmative defenses, counterclaims, and cross claims, whether known or unknown, not yet asserted in this Lawsuit as of the date of this Agreement (i.e., November 3, 2023) that any Party to this Lawsuit may have against each other relating to the Bianchi Lawsuit, shall be tolled:

- a. as of the date of this Agreement (November 3, 2023); and
- b. until a date sixty (60) days following the final and complete adjudication of the Bianchi Lawsuit, including exhaustion of all appeals and rights to appeal in the Bianchi Lawsuit.

4. The statute of limitations shall not be asserted as a defense to the claims covered by this Tolling Agreement, provided that the claims are filed on a timely basis as set forth in this Tolling Agreement.

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